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By:   
(person *actually* depositing)

In the Application of: Rogers et al.

Serial No. 10/052,077

Filing Date: January 17, 2002

For: Passive Flow Control Devices for Implantable Pumps

- Transmittal Form (1 page) in duplicate
- Information Disclosure Statement (2 pages)
- PTO Form SB/08A with cited references attached.
- Return Receipt Postcard

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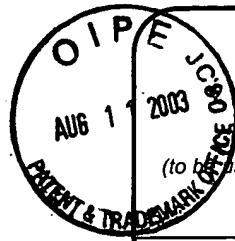
Attorney Docket No: 11738.00052

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Approved for use through 10/31/2002. OMB 0651-0031

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# TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number

10/052,077

Filing Date

January 17, 2002

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First Named Inventor

Rogers

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Group Art Unit

3763

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Examiner Name

Kevin C. Sirmons

Total Number of Pages in This Submission

Attorney Docket Number

011738.00052

## ENCLOSURES (check all that apply)

 Fee Transmittal Form Assignment Papers  
(for an Application) After Allowance Communication to Group Fee Attached Drawing(s) Appeal Communication to Board of Appeals and Interferences Amendment / Response Licensing-related Papers Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief) After Final Petition Proprietary Information Affidavits/declaration(s) Petition to Convert to a Provisional Application Status Letter Extension of Time Request Power of Attorney, Revocation  
Change of Correspondence Address Other Enclosure(s)  
(please identify below):  
**PTO Form SB/08A with cited referenced attached** Express Abandonment Request Terminal Disclaimer Information Disclosure Statement Request for Refund Certified Copy of Priority Document(s) CD, Number of CD(s) \_\_\_\_\_Remarks **Being filed via Express Mail No.: EL941343971US** Response to Missing Parts/  
Incomplete Application

The Commissioner is hereby authorized to charge any deficiencies in payment or credit any overpayment to our Deposit Account 19-0733.

 Response to Missing  
Parts under 37 CFR  
1.52 or 1.53

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Scott A. Burow

Signature

Date

August 11, 2003

## CERTIFICATE OF MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 11738.00052)

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Implantable Pumps )

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TECHNOLOGY CENTER R3700

Group Art Unit: 3763

Examiner: Kevin C. Sirmons

**INFORMATION DISCLOSURE STATEMENT**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.97 and 1.98, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. 1.56. Copies of the references cited below are enclosed. The references are also listed on the enclosed and completed PTO Form 1449.

**REFERENCES**

**U.S. Patents**

1. U.S. Patent No. 4,077,405; issued March 7, 1978;
2. U.S. Patent No. 4,193,397; issued March 18, 1980;
3. U.S. Patent No. 4,258,711; issued March 31, 1981;
4. U.S. Patent No. 4,838,887; issued June 13, 1989;
5. U.S. Patent No. 5,049,141; issued September 17, 1991;
6. U.S. Patent No. 5,281,210; issued January 25, 1994;
7. U.S. Patent No. 5,464,392; issued November 7, 1995;
8. U.S. Patent No. 5,820,589; issued October 13, 1998;
9. U.S. Patent No. 5,839,467; issued November 24, 1998.



Foreign Patents

1. DE 196 42 234 C1; issued April 30, 1998;
2. EP 0 134 614 A1; issued March 20, 1985;
3. PCT WO 91/16091 A1; issued October 31, 1991.

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Respectfully submitted,

BANNER & WITCOFF, LTD

By: Scott Burow  
Scott A. Burow  
Reg. No. 42,373

Dated: August 11, 2003